

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

State of Minnesota,
by Michael Campion, its
Commissioner of Public Safety,

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

v.

CMI of Kentucky, Inc.,
a Kentucky corporation,

Defendant,

and

Robert J. Bergstrom, Craig A. Zenobian,
Shane M. Steffensen, and Christopher D.
Jacobsen,

**NOTICE OF DEFENDANT'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, FOR
JUDGMENT ON THE PLEADINGS**

Plaintiff-Intervenors.

TO: Plaintiff State of Minnesota by Michael Campion, its Commissioner of Public Safety and its and his Attorneys, LORI SWANSON, ATTORNEY GENERAL STATE OF MINNESOTA, Emerald A. Gratz, 445 Minnesota Street, Suite 1800, St. Paul, Minnesota, and Plaintiff-Intervenors Robert J. Bergstrom, Craig A. Zenobian, Shane M. Steffensen, and Christopher D. Jacobsen, and their attorneys, RAMSAY & ASSOCIATES, Charles A. Ramsay and Daniel J. Koewler, 450 Rosedale Towers, 1700 West Highway 36, Roseville, Minnesota, and GORES LAW OFFICE, John J. Gores, 7091 Highway 65 N.E., Suite 201, Fridley, Minnesota.

Please take notice that on May 22, 2009, at 9:00 a.m., in Courtroom 7C, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, before the Honorable Donovan W. Frank, District Court Judge, Defendant CMI of Kentucky, Inc. will move the Court for Partial Summary Judgment or, in the

alternative, for Judgment on the Pleadings, on Counts II, III and IV of the State's Complaint, Count I of Plaintiff-Intervenors' Complaint-in-Intervention, and for Summary Judgment on Count II of Defendant's Counterclaim. Defendant's motion is based upon the file, record, pleadings in the case, arguments of counsel, and the memoranda of law to be filed in the ordinary course.

Respectfully Submitted,

Dated: February 27, 2009

WINTHROP & WEINSTINE, P.A.

s/William A. McNab

David M. Aafedt, MN #27561X

William A. McNab, MN #312071

WINTHROP & WEINSTINE, P.A.

225 South Sixth Street, Ste. 3500

Minneapolis, Minnesota 55402-4629

Tel: (612) 604-6400

Fax: (612) 604-6800

daafedt@winthrop.com

wmcnab@winthrop.com

ATTORNEYS FOR DEFENDANT
CMI OF KENTUCKY, INC.

4341612v1